REMARKS

The Examiner is thanked for the careful review of the subject application.

Claims 4-6, 9-11, 20-22 and 25 are pending in the present application. Claims 4, 10, and 25 are independent claims. The Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

Rejection under 35 U.S.C. §103(a) over Criss in view of Cox

Claims 4, 6, 9-11, 20-22 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,643,506 ("Criss") in view of U.S. Patent No. 6,965,928 ("Cox"). The Applicants respectfully traverse this art grounds of rejection.

Criss is directed to a wireless communication system that determines whether a wireless device is operating a current version of an operating system. In Criss, an upgraded operation system is downloaded and installed if the wireless device's operating system is not current. Criss is cited be the Office to show a wireless device that boots up and initializes for normal operation (See Page 3 of the Office Action). However, the Office acknowledges that the remainder of claim 1, for example, is not disclosed in Criss (See Page 4 of the Office Action). In particular, the Office acknowledges that:

> Criss doesn't teach specifically, after said booting-up, remotely receiving a recall command including a unique application identification for a targeted application available for execution on said computer platform of said wireless device; and responsive to said remote recall command, uninstalling said targeted application without requiring end-user interaction, wherein the uninstalling of said targeted application results in the application no longer functioning. (*See* Page 4 of the Office Action.)

The Office, however, alleges that the above-noted features can be found in Cox. Cox is directed to a system and method for remote maintenance of handheld computers. In particular, Cox teaches connecting a handheld computer (e.g., a PDA, see Column 4, lines 57-61 of Cox) to a personal computer at the user's home, referred to as a home maintenance node (see Column 4,

lines 1-5 of Cox). In particular, the user places the handheld computer in a cradle (i.e., a docking station) that is connected to the personal computer (See Column 4, lines 25-37, and Column 6, lines 41-44, and Column 9, lines 53-57 of Cox). The personal computer either can then launch the maintenance program for the handheld computer directly, or can alternatively connect to another personal computer via an Internet connection (See Column 4, lines 25-37 of Cox).

Upon determining that the handheld computer is connected to the home maintenance node, the home maintenance node launches a maintenance program to update or refresh the handheld computer (Column 6, lines 57-62 of Cox). The home maintenance node 22, via a maintenance manager 14, can check for viruses on the handheld computer or PDA (See Column 6, lines 59-62 of Cox), other harmful changes to the handheld computer (See Column 7, lines 60-64 of Cox), update software programs on the handheld computer to newer versions (See Column 7, line 66 to Column 8, line 24 of Cox), display advertisements (See Column 8, lines 43-50 of Cox), etc. Cox further states that the maintenance program can "automatically update software, delete unauthorized programs such as games, or perform additional diagnostics" (See Column 10, lines 14-17 of Cox).

As explained below, contrary to the Office's interpretation, Cox fails to disclose or suggest uninstalling an application identified by a unique application identifier. The Office reads the claim language of "receiving a recall command including a unique application identification for a targeted application available for execution on said computer platform of said wireless device" as recited in claim 4 upon Cox's disclosure that the maintenance program can delete certain programs at the wireless device without user interaction (See Page 4 of the Office Action and Column 10, lines 14-17 of Cox). However, there are many ways in which the maintenance program could delete these programs. The Applicant respectfully submit that the maintenance

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program is primarily intended to *synchronize* the docked handheld computer with a database on the personal computer (e.g., see Column 6, lines 41-58 of Cox).

Accordingly, it will be appreciated that synchronizing the handheld computer with the personal computer could include removing any applications on the handheld computer that are not present on the personal computer, or even replacing the contents of the handheld computer's memory altogether with data contained at the personal computer (i.e., a full re-install). In other words, programs on the handheld computer that do not correspond to programs present on the personal computer could be deemed unauthorized (e.g., viruses, games, etc.), and could be deleted.

This type of deletion need not be performed via "a recall command including a unique application identification for a targeted application" as claimed, but could rather be performed by having the handheld computer delete any program not present on the personal computer, or alternatively by formatting the handheld computer altogether and re-installing the authorized software. For example, a command instructing the handheld computer to delete all programs except certain authorized programs could be sent. Indeed, in terms of synchronization, this manner of removing unauthorized programs makes more sense, because the personal computer would otherwise need to store a huge database of every unauthorized program of the handheld computer. Thus, it is respectfully submitted that the command to delete these programs need not include a unique application identification of the deleted program.

Accordingly, the Applicant submit that the "unique application identification" feature is not disclosed in Cox, is not inherent, and is not obvious in view of the teachings of Criss and/or Cox. Accordingly, the claim language of "receiving a recall command including a unique application identification for a targeted application available for execution on said computer platform of said wireless device" as recited in independent claim 4 and similarly recited in

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independent claims 10 and 25 does not necessarily read upon Cox's disclosure of having a maintenance program "delete unauthorized programs such as games" (See Column 10, lines 14-17 of Cox) because Cox's deletion could be performed without uniquely identifying the application to be deleted.

As such, claims 6, 9, 11 and 21-22, dependent upon independent claims 4 and 10, respectively, are likewise allowable over Criss in view of Cox at least for the reasons given above with respect to independent claims 4 and 10.

Additionally, contrary to the Office's interpretation, a PDA is not executing normal operations when docked to a computer for maintenance. For instance, independent claim 4 recites "booting-up the wireless device, said booting-up including initializing said wireless device for normal communications over the wireless network." The Office reads this claim language upon certain teachings present in Criss (See Page 3 of the Office Action). However, the maintenance program that can optionally delete games/viruses in Cox is executed when the handheld computer is connected to a cradle or docking station. It is typical for devices connected to a docking station for maintenance to have normal features and operation *disabled* until the maintenance program completes and/or the handheld computer is not docked.

In other words, it is not clear that the PDA of Cox, if initialized for normal operation, could connect to the docking station and launch the maintenance program. Surely, connecting a PDA to a docking station for maintenance cannot be said to be configured for "normal communications" as claimed. Thus, it is not clear how Criss could be combined with Cox to achieve a PDA that could update without connecting to the docking station (i.e., when configured for "normal communications"). Notably, Cox discloses no embodiment for updating where the handheld computer is not connected to a cradle or docking station.

In fact, it appears that the asserted combination of Criss and Cox would destroy the invention of Cox. There does not appear to be a readily ascertainable manner within Criss and Cox that indicates how the maintenance program could execute at the PDA in Cox when not connected to the docking station. For at least this reason alone, the Applicants respectfully submit that the combination of Criss and Cox is improper.

Claim 6 has not been examined by the Examiner

The Applicant respectfully note that claim 6 does not appear to have been examined by the Office. While claim 6 appears to be indicated as rejected on Page 3 of the Office Action, the Applicants cannot find any reasons for the rejection of claim 6 in the subsequent remarks. Rather, the Office appears to have provided two duplicative sections regarding the rejection to claim 5 in this rejection (See top of Page 5 of the Office Action and top of Page 7 of the Office Action), and *another* rejection to claim 5 in the Criss/Cox/Vanttila 103 rejection discussed below. However, no rejection to claim 6 appears to be present.

Accordingly, the Applicants respectfully submit that claim 6 should be indicated as containing allowable subject matter. The Applicants respectfully request such indication in the next Office Action.

Rejection under 35 U.S.C. §103(a) over Criss in view of Cox and further in view of Vanttila

Claims 5 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,643,506 ("Criss") in view of U.S. Patent No. 6,965,928 ("Cox") and further in view of U.S. Patent No. 5,794,142 ("Vanttila"). The Applicants respectfully traverse this art grounds of rejection.

The Office alleges that Vanttila cures the particular disclosure deficiencies related to the cited claims. Even assuming for the sake of argument that the Examiner is correct regarding the alleged teachings of Vanttila, the Applicants respectfully submit that a review of Vanttila

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indicates that Vanttila is insufficient to cure the suggestion and disclosure deficiencies of Criss in view of Cox as discussed above with respect to independent claims 4 and 10. As such, claims dependent upon independent claims 4 and 10, are likewise allowable over Criss in view of Cox and further in view of Vanttila at least for the reasons given above with respect to independent claims 4 and 10.

The Applicants respectfully request that the Office withdraw this art grounds of rejection.

Reconsideration and issuance of the present application is respectfully requested.

CONCLUSION

In light of the amendments contained herein, the Applicants respectfully submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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